

# Law



*"I enjoy working in the City Law Department because of our office's high professional standards and our core values of trust, integrity and teamwork."*

- Brian McLeod  
Senior Assistant City Attorney







***The mission of the Law Department is to represent the City in all legal actions brought against the City or initiated by the City: provide legal advice to the City Council, the City Manager, the departments, and boards and agencies of the City; manage the City's diversion and deferred judgment programs; prepare and review ordinances, resolutions, contracts, bonds and other legal documents of significance to the City.***

## RECENT ACCOMPLISHMENTS

- Reviewed and prepared a report on the utilization of legal services provided by outside legal counsel and recommended areas where reliance on outside counsel could be reduced. Eliminated one outside attorney contract for franchise negotiations. Several lawsuits and projects wound down or were completed during the year, thus ending the need for various outside legal counsel services.
- Reviewed and prepared recommendations to change the existing diversion offerings. All recommendations were adopted, including fee increases.
- Negotiated and drafted significant contracts concerning the purchase of the Kansas Paint property, the EMS Service Agreement, and the Local Environmental Protection Program, water quality grant sub-contract.
- Managed implementation of the feasibility study for development of a Victim Service Center. A contract was initiated with Mainstream, Inc. to begin implementation of a Victim Service Center in Wichita and stakeholders became active in developing the Center.
- Prosecutors provided the key impetus to having defendants participate in the City's diversion and deferred judgment programs in 2003, resulting in direct 2003 revenues of \$938,396, and concurrently helping to limit burdens on the Court's trial dockets.

## DEPARTMENT OBJECTIVES

1. Maximize revenue generated from diversion and deferred judgment programs.
2. Minimize liability claim payment against the City.
3. Perform on a cost-effective basis as compared to costs of private firm service/hours with \$110-\$120 hourly rate.
4. Provide cost effective legal services of the highest quality with minimal time usage.

## PERFORMANCE MEASURES

Dept.		2001	2002	2003	2004	2005
Objective	Program Measure Description	Actual	Actual	Actual	Projected	Projected
1	Total revenue – Diversion & Deferred	565,020	717,760	938,400	1,118,400	1,118,400
1	Diversion/Deferred Judgment Applications	3,179	3,754	5,875	5,900	5,900
2	Percentage of claims approved for payment	4.3%	5.1%	1.69%	3.5%	3.5%
3	Amount Private firm would have charged	\$2,385,430	\$2,461,830	\$2,404,710	\$2,340,570	\$2,324,430
3,4	Hours/Claims Processed	3.324	2.84	4.48	3.50	3.50
4	Hours/Contracts	.79	.38	.74	.62	.62
4	Hours/Ordinances	1.34	.86	1.22	1.14	1.14
4	Hours/Assignments	7.52	5.26	6.32	6.58	6.58
4	Total Attorney Hours	31,826	32,796	32,221	32,281	32,281



## OVERVIEW

The Law Department has three main functions: provide legal counsel for City Council and City staff, provide legal representation for the City, and prosecute cases in Municipal Court. A staff of 16 attorneys and seven support staff accomplish the activities. The Department is financed solely from the General Fund with the exception of 100 percent of a Senior Attorney's salary, whose primary responsibility is to assist with bond issues related to economic development and pension matters, as well as a Community Service Worker who is provided by the Wichita Bar Association for the summer intern position.

## DIVISION DESCRIPTIONS

The Law department has two primary areas of focus to carry out its mission, the Civil Law Office and the Prosecutor's Office.

**Civil Law Office:** Represents the City in civil, tax, investigative, administrative, legislative, compliance, business and transactional matters, including defense against liability claims and preparation of Ordinances, Resolutions, contracts and other documents to implement governmental and business decisions of the City Council. This office also handles the bulk of appeals from Municipal Court to the District Court; cases filed in the State District Court and U.S. District Court; cases before administrative agencies; and appeals of criminal, civil and administrative matters in both the federal and state court systems. In addition, the office provides a wide array of research and advisory services, participates in the administration of the diversion programs, and oversees contracts with outside counsel and other service providers (including the Domestic Violence and Victim Rights advocates). The secretarial staff from the Civil Law Office regularly provides relief reception and other support to assist the secretarial staff in the Prosecutor's Office.

Based on the current docket structure, prosecutors represent the City on 33 Municipal Court dockets and maintain office hours to assist citizens on a walk-in basis.



*Prosecution examining a witness during a mock trial.*

Selected Service Level Measures				
	2002	2003	2004	2005
Cases set for trial	35,217	41,875	37,391	37,391
Hours per appeal	2.84	4.48	3.60	3.60
Number of appeals	395	317	300	300

Selected Service Level Measures				
	2002	2003	2004	2005
Legal opinions rendered	477	254	447	447
Revenue bond issues closed	10	15	14	14
Ordinances reviewed	315	339	348	348
Contracts reviewed	1,546	1,574	1,600	1,600
Hours/ordinance reviewed	0.86	1.22	1.14	1.14
Hours/contract reviewed	0.38	0.38	0.74	0.62

**Prosecutor's Office:** Prosecutes violations of City Ordinances in Municipal Court, assists in handling some appeals of Municipal Court cases in the District Court, and assists in the administration of the diversion programs and oversight of the Domestic Violence Advocacy and Victims Rights programs.

Additionally, Law Department staff, including the Civil Law Office and the Prosecutor's Office, have assumed numerous responsibilities in connection with matters outside the Department's core "legal" functions for the City, such as:

- Handling telephone calls and walk-in inquiries from the public concerning legal issues and general matters affecting the City, with the goal of being responsive and citizen-friendly and providing accurate information, prompt follow-up and advice (where appropriate) to affected City departments in a manner which protects the City's interests and serves the public's needs;
- Serving on screening panels, task forces and committees to assist with employment, procurement and other business matters, diversity initiatives and other general goals and programs of the City organization as a whole;
- Participation in local and national programs, presentations, City Hall activities and civic activities to enhance the perception of the City and the Department of Law with the public and in the legal community;
- Taking action to meet affirmative action/equal employment opportunity goals and commitments in the Department of Law, including full and fair consideration of minority candidates in interviewing candidates for vacancies;
- Working with other staff and IRB tenants/EDX applicants (and their representatives) as necessary to coordinate and support initial exemption applications and annual tax filings in a timely and professional manner; and,
- Collecting and providing statistical and other operational information to the Budget Office and the City Manager.



## FINANCE AND OPERATIONS

Law operations are funded entirely by General Fund with the exception of a Senior Attorney's salary, which is funded by pension management and bond projects budgets.

All claims filed against the City are processed by the Law Department. The review ascertains the relative merits of the claims, and staff attempts to settle claims when appropriate. Claim costs are funded from the Self Insurance Fund, a component of the Department of Finance.

A Diversion Coordinator, housed in the prosecution section, administers the City's diversion and deferred judgment programs. The programs are available for eligible first time offenders and offenses that include speeding, petit larceny, certain drug offenses, DUI and domestic violence. In every diversion case, program fees and fines are assessed to finance all program costs. In 2003 Law department successfully implemented the fee increases for all five diversion programs which included the application fee for two out of five programs.

Selected Service Level Measures - Diversion				
	2002	2003	2004	2005
DUI diversions accepted	533	1,863	1,500	1,500
Petit theft diversions accepted	325	530	500	500
Speeding diversions accepted	978	2,146	2,100	2,100
Drug diversions accepted	300	346	320	320
DV diversions accepted	397	990	800	800

The Law Department also has oversight of the Victim Rights Center. The Center provides notice, as required by Kansas Law, to crime victims of certain court proceedings, which include, but are not limited to, plea hearings, continuances, trials, sentencing, sentence modifications, probation violation hearings and appeals. The replacement of the antiquated Public Safety System was implemented in 2003. It is utilized in conjunction with Police and Municipal Court. The new computer system will eventually encompass utilization of bar code and drivers' license scanning, imaging and Internet technology. The Integrated Public Safety System (IPSS) will offer a centralized information system for Police, Prosecution, and Court. An imaging component of the public safety system will allow multiple users to simultaneously access single case files; significantly reduce storage and filing problems; and facilitate case review and preparation functions. Imaging will provide desktop viewing of case documents once the documents have been entered into the system, eliminating the task of filing and re-filing case files.

The new drug court software program has also been implemented. The software will consolidate defendants' information, providing the drug court team one centralized access point for defendant data.

The 2004 Revised budget included contract price increases for both the Domestic Violence Advocacy and the Victim Rights program, which were approved by the City Council on December 30, 2003. Printing and photocopying budget is also compensated due to increased processing for the diversion program.

## FUTURE CHALLENGES

- Represent the City's legal interests in litigation; file actions as directed by City Council and effectively defend the City in actions filed by others.
- Implement action to draft or revise ordinances to address programs in need of change or development and carry out programs established by the City Council and the City Manager.
- Prepare and review contracts, leases, deeds, and other legal documents with the goal of being responsive, creative, and accurate. Particular emphasis is afforded to documents necessary for projects of the City Council.
- Research state and federal court decisions, and Attorney General opinions and any new developments in the law and report to appropriate City officials and offices.
- Review and implement sound management principles and best practices of the legal profession to meet the challenges faced by a municipal legal department.
- Gilbert and Mosley and North Industrial Corridor (NIC) Environmental Projects - Provide legal assistance to ensure that the City meets its contractual and statutory responsibilities, to conclude the mediation of the Coleman allocation (G&M), continue procedures for a successful release program, coordinate with participants and technical advisory committee(NIC) and take over tasks as in-house legal counsel to lower legal costs.
- Review Domestic Violence Program.
- Prosecution caseload.
- Common Nuisances - Research and implement available laws and procedures to address nuisances in neighborhoods by prioritizing citizen, City Council and police concerns regarding problem locations and implementation of the neighborhood preservation code.



### Law Department Budget Summary

	2003 Actual	2004 Adopted	2004 Revised	2005 Adopted	2006 Approved
Personal Services	1,554,752	1,564,750	1,614,000	1,635,390	1,662,220
Contractual Services	226,705	220,290	237,790	233,150	233,140
Commodities	2,565	6,870	6,870	6,870	6,870
Capital Outlay	0	0	0	0	0
Other	0	0	0	0	0
<b>Total Local Expenditures</b>	<b>1,784,022</b>	<b>1,791,910</b>	<b>1,858,660</b>	<b>1,875,410</b>	<b>1,902,230</b>
<b>General Fund</b>	<b>1,784,022</b>	<b>1,791,910</b>	<b>1,858,660</b>	<b>1,875,410</b>	<b>1,902,230</b>
Total full-time positions	23	23	23	23	23
Total part-time positions	1	1	1	1	1
Total FTE positions	23.25	23.25	23.25	23.25	23.25

For additional information on the Law Department visit [www.wichita.gov](http://www.wichita.gov)!